

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



**Project Name:** WILSON SHORT PLAT

**Case Number:** PLD2009-00045 & SEP2009-00074

**Location:** 1000 NE 389<sup>th</sup> Street.

**Request:** The applicant proposes to subdivide approximately 20 acres into 2 ten acre lots in the R-5 zoning district.

**Applicant:** MSE Planning, Inc.  
Attn.: Samuel Moss  
16105 NE 89<sup>th</sup> Street  
Vancouver, WA 98682  
(360) 883-0686, E-mail: [mseplanning@gmail.com](mailto:mseplanning@gmail.com)

**Contact Person:** (Same as Applicant)

**Property Owner:** Kathleen Wilson  
P.O. Box 808  
Washougal, WA 98671

## DECISION

**Approved, subject to Conditions**

**Team Leader's Initials:** ATS **Date Issued:** November 24, 2009

**County Review Staff:**

|   | <b><u>Name</u></b>   | <b><u>Phone Ext.</u></b> | <b><u>E-mail Address</u></b> |
|---|----------------------|--------------------------|------------------------------|
| <b>Team Leader:</b>                                     | Travis Goddard       | 4180                     | Travis.goddard@clark.wa.gov  |
| <b>Planner:</b>   | Michael Uduk         | 4385                     | Michael.uduk@clark.wa.gov    |
| <b>Wetland Biologist:</b>                               | Brent Davis          | 4152                     | Brent.Davis@clark.wa.gov     |
| <b>Engineer Supervisor:</b><br>(Trans. & Stormwater):   | Tom Grange, P.E.     | 4102                     | Tom.Grange@clark.wa.gov      |
| <b>Engineer</b><br>(Trans. & Stormwater):               | Brad Hazel           | 4346                     | Brad.hazen@clark.wa.gov      |
| <b>Engineering Supervisor:</b><br>(Trans. Concurrency): | Steve Schulte, P. E. | 4017                     | Steve.schulte@clark.wa.gov   |
| <b>Engineer</b><br>(Trans. Concurrency):                | David Jardin         | 4354                     | David.jardin@clark.wa.gov    |
| <b>Fire Marshal Office</b>                              | Tom Scott            | 3323                     | Tom.scott@clark.wa.gov       |

**Comp Plan Designation:** R-5

**Parcel Number(s):** Tax Lot 12 256287) located in the NE ¼, of Section 22, Township 5 North, Range 1 East, of the Willamette Meridian.

**Applicable Laws:**

Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.385 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.540.030 (Short Plat), 40.610 (Impact Fees), 40.210.020 (Rural Districts, R-10), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.430 (Geologic Hazard Areas), 40.440 (Habitat Conservation), 40.500 (Procedure), RCW 58.17 (State Platting Laws)

**Neighborhood Association/Contact:**

North Fork Lewis River Neighborhood Association  
David Peterson, President  
% Paul Sorensen  
P. O. Box 2121  
Woodland, WA 98674  
(360) 263-5353

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 12, 2009. The pre-application was determined to be contingently vested as of January 20, 2009, (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on August 14, 2009, and determined to be fully complete on August 28, 2009. Given these facts, the application is vested on January 20, 2009. There are no disputes regarding vesting.

**Time Limits:**

The application was determined to be fully complete on August 28, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on November 24, 2009.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the North Fork Lewis River Neighborhood Association, and property owners within 500 feet of the site on September 17, 2009.

**Public Comments:**

None

**Project Overview**

The applicant proposes to short plat approximately 20 acres into 2 residential lots in the R-5 zoning district. The R-5 district requires a minimum lot area of 5 acres for single-family residential development.

Table 1 below shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

| Compass | Comp Plan          | Zoning             | Current Land Use  |
|---------|--------------------|--------------------|---|
| Site    | Rural – 5<br>(R-5) | Rural – 5<br>(R-5) | The property is mostly vacant with one single-family dwelling and some accessory buildings. There are some habitat areas in the northeast and southwest sections of the property. (See the county's Habitat Biologist's comments in this report). |
| North   | R-5                | R-5                | Forested acreage home site.   |
| East    | R-5                | R-5                | Partially forested acreage home site.   |
| South   | R-5                | R-5                | Partially forested acreage home sites.  |
| West    | R-5                | R-5                | Acreage home site.  |

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hesson clay loam (HcD, HcB, HcE, and HcF) on slopes ranging from zero to 55 percent. Maps from Clark County's GIS Mapping System indicate that the site contains areas of potential slope instability, severe erosion hazard areas, and riparian habitat conservation area.

The property is located rural Clark County. It is situated in an area served by Fire Protection District 2, and La Center School District. Clark Public Utilities provides potable water in the area; but, this short plat will served by a shared well for portable water and on-site septic systems on each lot.

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

**LAND USE:**

**Finding 1**

The development site is approximately 20 acres situated on the north side of NE 389<sup>th</sup> Street. The applicant is proposing a 2-lot short plat in the R-5 zoning district.

**Finding 2**

A. Table 40.210.020-2 (Lot Requirements) provides the lot requirements in the R-5 zoning district as follows:

- The minimum lot area is 5 acres; or, the lot could legally be described as one one hundred and twenty-eight (1/128) of a section; and,
- The minimum lot width shall be 140 feet; except when the Clark County Fire code requires a greater lot width. The code does not provide a standard for the minimum lot depth.

The short plat meets this standard; therefore no condition is necessary.

B. Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) provides the following standards in the R-5 district:

|                                       |                          |
|---------------------------------------|--------------------------|
| 1. Minimum front yard setback         | 50 feet                  |
| 2. Minimum side yard setback (street) | 25 feet                  |
| 3. Minimum interior side yard setback | 20, 50 feet <sup>1</sup> |
| 4. Rear yard setback                  | 20, 50 feet <sup>2</sup> |
| 5. Setback between buildings          | 8 feet                   |
| 6. Lot coverage                       | N/A                      |
| 7. Maximum building height            | 35 feet <sup>3</sup>     |

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<sup>1</sup> The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

<sup>2</sup> The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

<sup>3</sup> Applies to residential buildings only

Staff finds that the proposed short plat could comply with the lot requirements, setbacks lot coverage, and building height standards in the code. (See Conditions D-6a)

**Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

**ARCHAEOLOGY:**

The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (See Conditions A-1a and D-7b)

**Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

**HABITAT:**

Finding 1

A Department of Natural Resources (DNR) mapped type Ns (non-fish bearing, seasonal) stream flows through the southwestern portions of the property. According to Title 40.440.010(C)(1)(a), a DNR type Ns watercourse requires a 75-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 75' horizontally outward from the ordinary high water mark.

Finding 2

That applicant has delineated building envelopes that are outside of the riparian HCZ on the site. Staff finds this meets the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance, subject to Condition A-1b.

**Conclusion (Habitat):**

The proposed short plat can comply with the Habitat Conservation Ordinance, subject to Condition A-1b.

**GEO-HAZARD:**

Applicability

Finding 1

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. In accordance with the county GIS mapping, this parcel has the following Geo-hazard indicators:

1. 5% of the site steep slopes 25 to 40% in grade

2. areas of potential instability
3. severe erosion hazard areas

The applicant has submitted a Geologic report dated October 27, 2009 prepared by Geo Design Inc. The report has made recommendations for cutting the roadside slope back to achieve sight distance and the new home setback from the top of the onsite steep slopes. (See Condition A-9)

**Conclusion (Geo-Hazard):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the geo-hazard requirements of the Clark County Code.

**TRANSPORTATION:**

**Frontage Roads**

**Finding 1**

NE 389<sup>th</sup> street is classified as a Rural Major Collector. This roadway requires 60 feet of right-of-way and a 40-foot of pavement width. Frontage improvements are not required in the rural areas outside of Rural Centers; however, right of way dedication is required. The applicant is responsible for dedicating a minimum of 30-foot half-width right-of-way along the frontage of NE 389<sup>th</sup> Street. Based on the county GIS mapping the needed half-width right-of-way exists, however, the applicant must confirm that is the case. (See Condition A-2a)

**Driveway Sight Distance**

**Finding 2**

In accordance with CCC 40.380.030(B)(8), sight distance at the existing driveway access to the site utilized to access the proposed Lot 2 shall be 500 feet in both directions measured 15 feet back from the edge of travel lane. (See Condition A-2b)

**Driveway Pave-Back**

**Finding 3**

The driveway entrance to this site shall be paved back a minimum of 20 feet from the edge of travel lane or to the right-of-way, which ever is greater. The joint driveway entrance shall be built to Clark County standard detail Drawing #F20. (See Condition A-2c)

**Joint Driveway Easement and turnouts**

**Finding 4**

Access to NE 389<sup>th</sup> street, a Rural Major Collector road is restricted; therefore, the future lot must take access from the existing access. Joint Driveways shall have a minimum width of 12 to 35 feet of clear, unobstructed driving surface within a minimum 20-foot easement. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the Standard Detail's Manual, Drawing #33). (See Plat Note D-6g)

**Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the requirements of Transportation Standards (CCC 40.350)

**STORMWATER:**ApplicabilityFinding 1

In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), in rural areas of the county, new development and redevelopment that adds or replaces impervious area of more than five percent (5%) of a site shall comply with Minimum Requirements No. 1 through No. 10 for the new and replaced impervious surface. New development and re-development that adds or replaces impervious area of less than 5% of a site shall comply with Minimum Requirements #1 through #5. This project meets this criterion; therefore, Stormwater minimum requirements #1 through #5 apply to this project. (See Condition A-4)

**Conclusion (Stormwater):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the Stormwater requirements of the Clark County Code (CCC 40.385).

**FIRE PROTECTION:**Fire Marshal ReviewFinding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, ext. 4095 or 3323; or, e-mail at [Tom.scott@clark.wa.gov](mailto:Tom.scott@clark.wa.gov). Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building ConstructionFinding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-2a)

Fire FlowFinding 3

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1,000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of inhabitable space. (See Condition B-2b)



## Fire Apparatus Access

### Finding 4

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-4a)

## Fire Apparatus Turnarounds

### Finding 5

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition D-4b)

## **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

## **WATER & SEWER SERVICE:**

### Finding 1

Clark Public Utilities (CPU) provides potable water in the area. A utility review from CPU indicates that public water is not available because the nearest water main is 2 miles away from the site. The Health Department also indicates that a shared (or community) well will be drilled to provide potable water to both lots. Each lot will have its own on-site septic systems. Therefore, prior to final construction plans approval, the applicant shall drill a community well to provide potable water to the lots in the short plat. The applicant shall also implement the necessary improvements to install septic systems on each lot. (See Condition A-6a)

### Finding 2

The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been hooked up to water and sewer. The letter also confirms that the proposed wells and septic systems are feasible, subject to conditions of approval. (Condition A-6b)

### Finding 3

Where use of wells or septic systems is proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording. (See Condition D-2)

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:****Finding 1**

There is no defined parks improvement district in the area; but, La Center School District Impact Fees (SIF) and Rural 2 Traffic Impact Fees (TIF) will be assessed on Lot 2 prior to building permit issuance in accordance with CCC 40.610.

*The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, park, school and traffic impact fees shall be assessed on Lot 2 as follows:

1. \$6,891.90 SIF per new single-family dwelling in La Center School District; and,
2. \$593.82 TIF per new single-family dwelling in Rural 2 Traffic Impact fee district

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Conditions D-5g and E-1)

|                           |
|---------------------------|
| <b>SEPA DETERMINATION</b> |
|---------------------------|

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS).
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 17, 2009, is hereby final.

## SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030 (H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Michael Uduk, (360) 397-2375, ext. 4385  
Travis Goddard, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION (Exhibit 2)

Based upon the proposed plan (identified as and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

#### **A-1 Final Construction Plan:**

The applicant shall submit and obtain County approval of a final construction plan with the following:

##### **a. Archaeology**

1. A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

##### **b. Habitat Plan:**

1. The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (See Habitat Finding 2)

#### **A-2 Final Transportation Plan/On-Site:**

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall confirm that a minimum 30-foot half-width right-of-way along the frontage of NE 389<sup>th</sup> Street exist or dedicate the required right-of-way. (See Transportation Finding 1)
- b. 500 feet of sight distance is required at the driveway entrance both to the east and west. Sight distance certification by a registered engineer in the State of Washington will be required. As indicated by the applicant, the berms within the sight distance triangle must be cut to achieve sight distance. The grading work requires an engineered grading plan which shall be submitted and reviewed for compliance with the sight distance standards. (See Transportation Finding 2)
- c. Access to NE 389<sup>th</sup> street classified as Rural Major Collector road is restricted; therefore, the future lot must take access from the existing access. Minimum driveway pave-back of 20 feet or to the right-of way line, whichever greater, is required; and the width of the driveway shall be 12 to 35. The

driveway entrance shall be constructed per Clark County detail drawing F20.  
(See Transportation Finding 3)

**A-3 Transportation:**

- a. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-4 Final Stormwater Plan:**

The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385. The following minimum requirements must be met:

Minimum requirement No. 1: Preparation of stormwater site plans;  
Minimum requirement No. 2: Construction stormwater pollution prevention;  
Minimum requirement No. 3: Source control of pollution;  
Minimum requirement No. 4: Preservation of natural drainage systems and outfalls; and,  
Minimum requirement No. 5: On-site stormwater management. (See Stormwater Finding 1)

**A-5 Erosion Control Plan:**

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

**A-6 Health Department Review:**

- a. The applicant shall drill a community well to provide potable water to the 2 lots in this short plat. The applicant shall also provide the necessary improvements to install on-site septic systems on each lot. (Water and Sewer Services Finding 1)
- b. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

**A-7 Fire Marshal Requirements:**

(See Conditions B-2a, B-2b, D-4a and D-4b)

**A-8 Excavation and Grading:**

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

**A-9 Geologic Hazard Ordinance:**

The proposed project shall implement the recommendations identified in the geotechnical report dated October 27, 2009, and prepared by GeoDesign Incorporated, unless further studies present new or different facts. (See Geologic Hazard Finding 1)

|          |   |
|----------|---|
| <b>B</b> | <b>Prior to Construction of Development<br/>Review &amp; Approval Authority: Development Inspection</b> |
|----------|---|

Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference:**

- a. Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**B-2 Fire Marshal Requirements:**

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)
- b. Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1,000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Fire Protection Finding 3)

**B-3 Erosion Control:**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-4 Erosion Control:**

Erosion control facilities shall not be removed without County approval.

|          |  |
|----------|--|
| <b>C</b> | <b>Provisional Acceptance of Development</b><br><b>Review &amp; Approval Authority: Development Inspection</b> |
|----------|--|

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

**C-1** None

|          |   |
|----------|---|
| <b>D</b> | <b>Final Plat Review &amp; Recording</b><br><b>Review &amp; Approval Authority: Development Engineering</b> |
|----------|---|

Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Health Department Signature Requirement:**

The Health Department is not required to sign the final plat, unless the use of well or septic systems is proposed.

**D-2 On-Site Water Wells and Sewage System Requirements:**

For on-site water wells and sewage system, the following requirements shall be completed:

- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
- b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- d. Each on-site sewage system shall be on the same lot it serves;
- e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- h. A copy of the County approved final drainage plan shall be submitted for review; and,
- i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

**D-3 Fire Marshal Requirements:**

- a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather

driving surface and capable of supporting the imposed loads of fire apparatus.  
(See Fire Protection Finding 4)

- b. All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding 5)

**D-4 Developer Covenant:**

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Private Road Maintenance Covenant: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final



stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- f. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
- g. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for Lot 2 are: \$6,891.90 (La Center School District) and \$593.82 (Rural 2 TIF District), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-5 Addressing:**

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-6 Plat Notes:**

The following notes shall be placed on the final plat:

- a. Land Use: The applicant shall comply with the development standards in Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) in the R-5 district as follows:

- |                                       |         |
|---------------------------------------|---------|
| 1. Minimum front yard setback         | 50 feet |
| 2. Minimum side yard setback (street) | 25 feet |

|                                       |   |
|---------------------------------------|---|
| 3. Minimum interior side yard setback | 20, 50 feet <sup>4</sup>                      |
| 4. Rear yard setback                  | 20, 50 feet <sup>5</sup>                      |
| 5. Setback between buildings          | 8 feet  |
| 6. Lot coverage                       | N/A   |
| 7. Maximum building height            | 35 feet <sup>6</sup> (See Land Use Finding 2) |

- b. Mobile Homes: "Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."
- c. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- d. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- e. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- f. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- g. Joint Driveways: "Joint Driveways shall have a minimum width of 12 feet to 35 feet of clear, unobstructed driving surface in a min 20 foot easement. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from

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<sup>4</sup> The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

<sup>5</sup> The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

<sup>6</sup> Applies to residential buildings only

turnout to turnarounds does not exceed 500 feet." (See Transportation Finding 4)

- h. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: The developer of Wilson Short Plat or a successor in interest."

|          |   |
|----------|---|
| <b>E</b> | <b>Building Permits</b><br><b>Review &amp; Approval Authority: Customer Service</b> |
|----------|---|

Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Impact Fees:**

The applicant shall pay impact fees on Lot 2 as follows:

- a. \$6,891.90 per dwelling for School Impact Fees (La Center School District); and,
- b. \$593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF District).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

|          |  |
|----------|--|
| <b>F</b> | <b>Occupancy Permits</b><br><b>Review &amp; Approval Authority: Building</b> |
|----------|--|

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

|          |  |
|----------|--|
| <b>G</b> | <b>Development Review Timelines &amp; Advisory Information</b><br><b>Review &amp; Approval Authority: None - Advisory to Applicant</b> |
|----------|--|

**G-1 Land Division:**

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater:**

A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND,**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if

the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety:**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

|          |  |
|----------|--|
| <b>H</b> | <b>Post Development Requirements</b><br><b>Review &amp; Approval Authority: As specified below</b> |
|----------|--|

H-1 None

|   |
|---|
| <b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b> |
|---|

**Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on November 24, 2009. Therefore any appeal must be received in this office by December 8, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

## Final Decision Attachment

**For Employee Use Only** -This is not part of the decision, but rather an attachment for processing purposes only.

| Final Plans Required with Construction Plans | YES | NO |
|--|-----|----|
| Final Landscape Plan:                        |     | x  |
| -On-site landscape plan                      |     | x  |
| -Right-of-way landscape plan*                |     | x  |
| Final Wetland Plan                           |     | x  |
| Final Habitat Plan                           | x   |    |

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

### Building Setbacks Established at Preliminary Plan Review

Project Name: Wilson Short Plat

Case Number: PLD2009-00045

The development standards are identified in Table 40.221.030

